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FILED

Date 12/17/11 By *Susan Saylor*

8 **BEFORE THE**
9 **STRUCTURAL PEST CONTROL BOARD**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

11 In the Matter of the Accusation Against:

Case No. 2015-32

12 **ANTHONY OLLIVIER**
13 **781 Mabury Road**
San Jose, CA 95133

A C C U S A T I O N

14 **and**

15 **2591 Miramar Avenue**
16 **Castro Valley, CA 94546**

17 **Field Representative License No. FR 45048**

18 Respondent.

19
20 Complainant alleges:

21 **PARTIES**

22 1. Susan Saylor (Complainant) brings this Accusation solely in her official capacity as the
23 Registrar/Executive Officer of the Structural Pest Control Board, Department of Consumer
24 Affairs.

25 2. On or about December 22, 2009, the Structural Pest Control Board issued Field
26 Representative License Number FR 45048 to Anthony Ollivier (Respondent). The license was in
27 full force and effect at all times relevant to the charges brought in this Accusation and will expire
28 on June 30, 2015, unless renewed.

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4. Code section 8620 provides, in part, that the Board may suspend or revoke a license when it finds that the holder, while a licensee or applicant, has committed any acts or omissions constituting cause for disciplinary action or in lieu of a suspension may assess a civil penalty.

The lapsing or suspension of a license or company registration by operation of law or by order or decision of the board or a court of law, or the voluntary surrender of a license or company registration shall not deprive the board of jurisdiction to proceed with any investigation of or action or disciplinary proceeding against such licensee or company, or to render a decision suspending or revoking such license or registration.

6. Code section 8593 provides, in part:

7. Code section 8637 of the Code states "[m]isrepresentation of a material fact by the applicant in obtaining a license or company registration is a ground for disciplinary action."

(a) Except as provided in section 1951, every licensee is required, as a condition to renewal of a license, to certify that he or she has completed the continuing education requirements set forth in this article. A licensee who cannot verify completion of continuing education by producing certificates of activity completion, whenever requested to do so by the Board, may be subject to disciplinary action under section 8641 of the code.

Accusation

1 (d) Field representatives licensed in one branch of pest control shall have
2 completed 16 continuing education hours, field representatives licensed in two
3 branches of pest control shall have completed 20 continuing education hours, field
4 representatives licensed in three branches of pest control shall have completed 24
5 continuing education hours during each three year renewal period. In each case, a
6 minimum of four continuing education hours in a technical subject directly related to
7 each branch of pest control held by the licensee must be completed for each branch of
8 pest control licensed, a minimum of two hours in Integrated Pest Management must be
9 completed by Branch 2 and/or 3 licensees renewing on or after June 30, 2010 and a
10 minimum of eight hours must be completed from Board approved courses on the
11 Structural Pest Control Act, the Rules and Regulations, or structural pest control
12 related agencies' rules and regulations.

13 **COST RECOVERY**

14 9. Code section 125.3 states, in part, that a Board may request the administrative law
15 judge to direct a licensee found to have committed a violation or violations of the licensing act to
16 pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

17 **FIRST CAUSE FOR DISCIPLINE**

18 **(Failure to Provide Proof of Continuing Education)**

19 10. Respondent's license is subject to disciplinary action for failing to submit proof of
20 completion of the courses of continuing education in pest control as required by California Code of
21 Civil Regulations, title 16, section 1950. (Bus. & Prof. code §, 8593.) The underlying
22 circumstances are as follows:

23 11. The Board required Respondent to complete 20 hours of continuing education
24 courses. On or about August 20, 2012, Respondent signed, under penalty of perjury, a Field
25 Representative License Renewal Application. He certified that from July 1, 2009, through June
26 30, 2012, he had successfully completed 20 hours of continuing education, as required for the
27 renewal of his license.

28 12. On or about November 28, 2012, January 9, 2013, and October 23, 2013, the Board
sent correspondence to Respondent, notifying him of a continuing education audit and requesting
certificates of course completion for the hours claimed in his renewal application. Respondent
failed to provide proof to the Board of the completion of the continuing education courses and
did not respond to the Board's requests.

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13. Respondent's license is subject to discipline for the misrepresentation of a material fact in obtaining a license, as more particularly set forth in paragraphs 11 and 12, above, Respondent. (Bus. & Prof. Code, § 8637.)

WHEREFORE, Complainant requests that a hearing be held on the matters alleged in this Accusation, and that following the hearing, the Structural Pest Control Board issue a decision:

2. Ordering Anthony Ollivier to pay the Structural Pest Control Board the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3; and

DATED: 12/17/14

SUSAN SAYLOR
Registrar/Executive Officer
Structural Pest Control Board
Department of Consumer Affairs
State of California
Complainant

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		Accusation